

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEREK FRIEDRICHs,

Plaintiff(s),

No. C 08-4486 PJH

v.

ORDER

BMW FINANCIAL SERVICES,

Defendant(s).

Before the court are plaintiff's June 1, 2009 letter requesting that the case management order be amended and the date for hearing on class certification continued, defendant's June 2, 2009 letter in opposition to the request, a second June 2, 2009 letter from defendant further explaining the nature of the dispute, and a June 3, 2009 letter from plaintiff in reply. The parties apparently entered into a settlement but now do not agree on what they agreed, accuse each other of reneging, and seek enforcement of their individual interpretations of the agreement. And in pursuit of their respective goals, plaintiff wants relief from the July 8, 2009 filing deadline for his motion for class certification as well as the August 12, 2009 hearing date, while defendant wants plaintiff to file said motion or in the alternative, an immediate hearing before this court, though its counsel is unavailable until after July 10, 2009.

Based on the papers and argument provided, it appears to the court that there has been no meeting of the minds as to all of the terms of the settlement. Accordingly, the parties are ORDERED to return to the mediator they have chosen to attempt to finalize the settlement by no later than July 31, 2009. If they are unable to do so, plaintiff's motion for class certification shall be filed no later than August 26, 2009. After the motion is decided,

1 a case management conference will be held in order to adjust any of the pretrial dates if
2 necessary. As this order suggests, the court is of the view that the parties' efforts are best
3 put to finalizing any settlement and returning to litigation if unsuccessful. Any efforts
4 expended at attempting to enforce a settlement that both parties cannot agree was reached
5 is likely to be a waste of everyone's time.

6 **IT IS SO ORDERED.**

7 Dated: June 12, 2009



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PHYLLIS J. HAMILTON
United States District Judge